

Senate Bill No. 822

CHAPTER 410

An act to amend Sections 628.1, 628.2, 628.4, 628.5, and 628.6 of the Penal Code, relating to school crimes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1995. Filed with
Secretary of State August 11, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 822, Dills. School crime reporting program.

(1) Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form, by June 30, 1985, for use by all school districts throughout the state. The form is required to include, among other things, the total number of pupils enrolled in the school as of November 15 and April 15.

This bill would require that form to be developed by June 30, 1995, and would include county offices of education within those provisions.

(2) Existing law requires the department to identify criteria for validating the incidents of crime reported, and requires validation criteria to be established for each crime description, including, among other things, assault, unlawful fighting, and chemical substance offenses.

This bill instead would require the department to identify guidelines for reporting and documentation for validating school crimes, and would no longer require criteria to be established for assault, unlawful fighting, or chemical substance offenses, but would require reporting guidelines and documentation for validation criteria to be established for, among other things, graffiti and drug and alcohol programs. The bill would make related changes.

(3) Existing law requires the department, beginning July 1, 1991, to use tested validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.

This bill instead would require the department, beginning July 1, 1995, to use approved guidelines for reporting and documentation for validation criteria for that purpose.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) There is merit in collecting information that helps schools, school districts, and county offices of education identify the most urgent school safety issues confronting pupils, teachers, administrators, and community members. This information provides an objective basis for planning appropriate prevention and intervention strategies to enhance the safety of school campuses.

(b) There is a need for consistent and accurate reporting of incidents of school crime occurring on school campuses and in county-operated education programs. Therefore, the Legislature intends for procedures for reporting school crime to be clarified in statute and regulation.

(c) Current statutes relating to the school crime reporting program are inconsistent with input gathered from school crime experts throughout the state. Although program operation has been suspended until July 1, 1995, the components for accurate and consistent reporting must be in place before the program can resume operation. It is the intent of the Legislature to include within those components regulations for program definitions, reporting guidelines, and required supporting documentation.

(d) Because regulations and statutes must support sound reporting practices, it is important that new regulations be approved in a timely manner in order to support the implementation of a consistent and accurate school crime reporting program.

SEC. 2. Section 628.1 of the Penal Code is amended to read:

628.1. By June 30, 1995, the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts and county offices of education which currently compile school crime statistics, shall develop a standard school crime reporting form for use by all school districts and county offices of education throughout the state. No individual shall be identified by name or in any other manner on this reporting form. The form shall define what constitutes the criminal activity required to be reported and shall include, but not be limited to, all of the following:

(a) Description of the crime.

(b) Victim characteristics.

(c) Suspect characteristics, if known.

SEC. 3. Section 628.2 of the Penal Code is amended to read:

628.2. (a) On forms prepared and supplied by the State Department of Education, each principal of a school in a school district and each principal or director of a school, program, or camp under the jurisdiction of the county superintendent of schools shall forward a completed report of crimes committed on school or camp



grounds at the end of each reporting period to the district superintendent or county superintendent of schools, as the case may be.

(b) The district superintendent, or, as appropriate, the county superintendent of schools, shall compile the school data and submit the aggregated data to the State Department of Education not later than February 1 for the reporting period of July 1 through December 31, and not later than August 1 for the reporting period of January 1 through June 30.

(c) The superintendent of any school district that maintains a police department pursuant to Section 39670 of the Education Code may direct the chief of police or other administrator of that department to prepare the completed report of crimes for one or more schools in the district, to compile the school data for the district, and to submit the aggregated data to the State Department of Education in accordance with this section. If the chief of police or other designated administrator completes the report of crimes, the chief of police or other designated administrator shall provide information to each school principal about the school crime reporting program, the crime descriptions included in the reporting program, the reporting guidelines, and the required documentation identified by the State Department of Education for each crime description.

(d) The State Department of Education shall distribute, upon request, to each school district governing board, each office of the county superintendent of schools, each county probation department, the Attorney General, the Fair Employment and Housing Commission, county human relations commissions, civil rights organizations, and private organizations, a summary of the statewide aggregated data. The department also shall distribute, upon request, to each office of the county superintendent of schools and each county probation department, a summary of that county's district reports and county reports. This information shall be supplied not later than March 1 of each year for the previous school year. The department shall also submit to the Legislature a summary of the statewide aggregated data not later than March 1 of each year for the previous school year. In addition, commencing with the second annual report, the department shall identify trends in school crime and evaluate school district and county school crime prevention programs by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of previous years.

(e) All school district, county, and statewide reports prepared under this chapter shall be deemed public documents and shall be made available to the public at a price not to exceed the actual cost of duplication and distribution.

SEC. 4. Section 628.4 of the Penal Code is amended to read:



628.4. The State Department of Education shall publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and recording school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature.

SEC. 5. Section 628.5 of the Penal Code is amended to read:

628.5. The Legislature hereby recognizes that all pupils enrolled in California public schools have the inalienable right to attend classes on campuses that are safe, secure, and peaceful. The Legislature also recognizes the importance of accurate school crime data in developing and implementing school safety strategies and programs.

The State Department of Education, in consultation with school districts and county offices of education, shall identify guidelines for reporting and documentation for validating the incidents of each crime description contained on the standard school crime reporting forms prepared pursuant to Sections 628.1 and 628.2. Reporting guidelines and documentation for validation criteria shall be established for each crime description, including, but not limited to, all of the following: battery, assault with a deadly weapon, graffiti, homicide, sex offenses, robbery, extortion, drug and alcohol offenses, possession of weapons, destructive devices, arson, burglary, theft, and vandalism.

SEC. 6. Section 628.6 of the Penal Code is amended to read:

628.6. Beginning July 1, 1995, the State Department of Education shall use approved guidelines for reporting and documentation for validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.

The State Department of Education shall inform school districts and county offices of education of the guidelines for reporting and documentation for validation criteria for the crime descriptions included on the standard school crime reporting forms specified in Section 628.1. Each district and county office of education shall in turn notify their respective schools, programs, and sites of the guidelines for reporting and documentation for validation criteria.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that new regulations are approved in a timely manner to effect the implementation of a consistent and accurate



school crime reporting program, it is necessary that this act take effect immediately.

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